

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,	§
	§
v.	§ CRIM. NO. SA-05-CR-134-XR
	§ CIVIL NO. SA-10-CA-0259-XR
	§
RUDY NARANJO,	§


ORDER

On this day came on to be considered Defendant's Motion to Reduce Sentence Pursuant to the Fair Sentencing Act of 2010, and after careful consideration, it is determined by the Court that Defendant's motion should be in all things DENIED.

The FSA does not apply in this case because the Defendant was sentenced prior to the effective date of that legislation. In addition, even if the FSA applied, it would not have impacted the sentence in this case because the quantity of crack cocaine was above the new threshold of 280 grams. In addition, the sentence in this case would have been the same, pursuant to both the amended statutory scheme (FSA) and the November 1, 2010 amended sentencing guidelines, even if the crack cocaine were not taken into account.

It is so ORDERED.

SIGNED this 17th day of February, 2012.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE